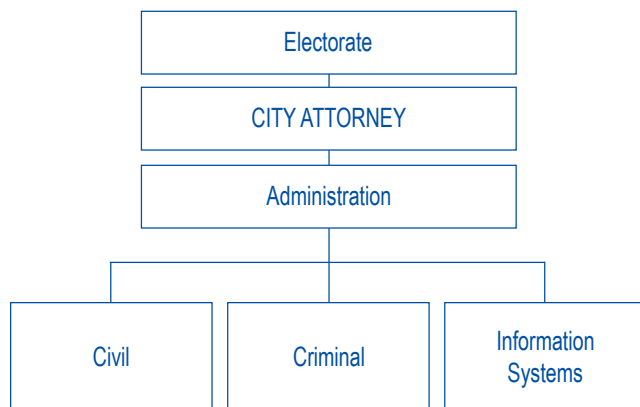


City Attorney



Mission Statement

The City Attorney serves San Diego as the chief legal advisor and misdemeanor prosecutor. Dedicated to a philosophy of proactive, early intervention lawyering and committed to community outreach, the City Attorney provides legal guidance and support for elected City officials, City departments, and boards and commissions; represents the City before judicial and administrative bodies in civil proceedings; and prosecutes misdemeanor crimes.



Overview of Services/Programs

The City Attorney's Office is composed of two divisions: Criminal and Civil.

The City Attorney's Criminal Division prosecutes misdemeanors committed within the City of San Diego. These include violations of state and local laws, such as driving under the influence of alcohol or drugs, domestic violence and child abuse, theft offenses, sex crimes, gang and graffiti crimes, zoning and building code violations, consumer and environmental crimes, quality-of-life crimes, and many others. A staff of deputies, investigators, legal assistants, and others is organized into seven units: Screening and Arraignment, Trial, Appellate, Child Abuse and Domestic Violence, Code Enforcement, Consumer and Environmental Protection, and Neighborhood Prosecution.

In partnership with police and community organizations, the Criminal Division works for a more responsive criminal justice system that meets the needs of San Diego's communities. Criminal Division staff provide aggressive, just, and effective prosecution. Deputy City Attorneys insure that people who break the law are held accountable for their conduct and receive appropriate punishment and rehabilitation. Through a comprehensive victim advocacy program, City Attorney staff help crime victims by obtaining restitution, assisting in safety planning, and providing current information about their cases.

The City Attorney's Civil Division provides legal services to the City of San Diego. Advisory attorneys provide legal guidance to the Mayor, Council, and City Departments. Attorneys advise on matters ranging from managing a City workforce of more than 10,000 employees; to acquiring, using, and regulating City lands; to financing and constructing the City's multi-million dollar public works projects. Litigation attorneys defend lawsuits filed against the City and its employees. Civil Division attorneys also file lawsuits when money is owed to the City.

Major Accomplishments/Service Efforts

In 2001, the City Attorney's Civil and Criminal Division staff continued to provide the citizens of San Diego with quality legal work, focusing on proactive, early intervention strategies with a commitment to community outreach:

- In Fiscal Year 2001, attorneys and investigators in the City Attorney's Civil Enforcement Unit recovered \$792,500 on behalf of the City. Recoveries included compensation for damaged City trees and other property, and water bill delinquencies.
- The Civil Division continued to defend and prosecute major cases on behalf of the City. In early 2001, the civil construction contract litigation group recovered \$750,000 for the City in a case involving disputed charges on a sewer project.
- In August 2001, San Diego City Attorney Casey Gwinn achieved a significant victory for the City when a unanimous federal appeals court found the City's sale of a parcel of land, including the Mount Soledad cross, was constitutional.

- In September 2001, the Civil Division's Trial Unit prevailed in *Pick v. City of San Diego*, a class action lawsuit involving the Mission Beach boardwalk. Approximately 200 property owners claimed that the City had no right to proceed with its boardwalk widening project. After a three-week trial, the judge found in the City's favor, clearing the way for the project.
- In 2001, the Civil Division assisted the City with a year-long effort that culminated in September with the first independent San Diego Citizen's Commission for Redistricting. The City Attorney's Office supported the effort by assisting and advising at public meetings and drafting and disseminating information about the process and project.
- The Civil Division provided a legal team to support the formation and operation of the Mayor's Ethics Commission. At the onset of the Mayor's proposal in January 2001, the City Attorney's Office was closely involved by creating the Charter documents, drafting complaint and investigation procedures, and advising at hearings.
- In February 2001, the City Attorney's Child Abuse and Domestic Violence Unit joined with the San Diego Domestic Violence Council, and private industry to create a new Domestic Violence Prevention Partnership. This partnership was launched to raise awareness about domestic violence in the workplace, provide educational resources to San Diego companies and their employees, and collect wireless telephones for distribution to domestic violence victims. The San Diego companies involved in the partnership include Verizon Wireless, Motorola, FedEx, and The Wireless Foundation. More than 3,000 wireless phones were collected, refurbished, and distributed to potential victims to serve as a lifeline in an emergency, providing instant access to 911 help.
- In February 2001, the American Bar Association, in partnership with the City Attorney's Office and the San Diego Domestic Violence Council, unveiled the "Bunny Bag," a new tool for San Diego law enforcement and victim advocates. The bags contain safety information, coloring books, crayons, and stuffed animals to provide comfort to young children who witness domestic violence. The "Bunny Bags" are available to domestic violence response teams in the City, local Head Start programs, and other service providers.
- In April 2001, Assistant City Attorney Gael Strack, who oversees the City Attorney's Child Abuse and Domestic Violence Unit and Criminal Division Special Projects, received the Crime Victims Fund's Distinguished Service Award. The award also went to San Diego Police Lieutenant Jim Barker. The Distinguished Service Award is given in recognition of long-standing dedication to family violence prevention and intervention. The Crime Victims Fund is a nonprofit, social service organization that provides direct financial assistance to low-income victims of crime.
- In May 2001, City Attorney Casey Gwinn and Assistant City Attorney Gael Strack traveled to American Samoa to train law enforcement officials on domestic violence prevention and intervention.

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- In 2001, the City Attorney's Neighborhood Prosecution Unit developed a community impact panel to educate prostitution offenders about the effects of prostitution on the Mid-City community. The unit was involved in aggressively prosecuting chronic alcohol offenders as part of the City's Serial Inebriate Program. The unit also formed a community task force to solve the problem of skateboarding in the San Diego Police Department's Central Division. The neighborhood prosecutors are also working to implement a community court in the Mid-City area of San Diego.
- In 2001, the City Attorney's Neighborhood Prosecution Unit received a grant of \$150,000 to fund a neighborhood prosecutor working downtown. This is the third grant received from the U.S. Department of Justice for the City Attorney's work in community prosecution. The City Attorney's Office, in partnership with the San Diego Police Department, also received a grant from the U.S. Department of Justice, Office of Community Oriented Policing Services to add two San Diego Police Officers to the Neighborhood Prosecution Unit team.
- In 2001, the Code Enforcement Unit's strong track record of proactive code enforcement in partnership with the Neighborhood Code Compliance Department was instrumental in securing a grant of \$395,000 from the State of California. The grant will be used to address deteriorated and substandard housing in the communities of Grant Hill, Memorial and Stockton located in Council District 8. Over the next three years, staff and resources will be dedicated to provide technical assistance to owners and tenants in rehabilitating properties; prosecute owners maintaining multiple code violations and substandard housing; update policies and procedures governing substandard housing, nuisance abatement, and vacant properties; and provide public education and training to the community on code enforcement and property maintenance.
- In 2001, the City Attorney's Consumer and Environmental Protection Unit prosecuted a case investigated by the California Department of Fish and Game that resulted in the first jail sentence for a recreational diver convicted of poaching lobsters. The sport-diving community strongly supported the City Attorney's enforcement effort. As a result of the conviction, the defendant, who had been previously convicted of poaching lobsters, will spend six months in custody and pay more than \$15,000 in fines.
- In partnership with the Storm Water Pollution Prevention Program and other City departments, the City Attorney's Office is ensuring that the City complies with the municipal storm water management permit. This cooperative effort includes new responsibilities for several departments and increased administrative and judicial enforcement.
- The City Attorney's Consumer and Environmental Protection Unit won California's first jury trial against a bar owner whose employee was smoking behind the bar. In San Diego, the majority of restaurant bars comply with the smoke-free workplace laws. About 90 percent of bars comply, up from a compliance rate of 60 percent just three years ago. The City Attorney's Office was recognized by the American Heart Association for outstanding support in the fight against heart disease and stroke.

- In 2001, the City Attorney's Office was the first to prosecute fraud and theft committed on *eBay*, the popular Internet auction site. The defendant was convicted and is ordered to serve a one-year jail sentence. The defendant was also ordered to pay restitution to several victims who never received promised merchandise or refunds. The City Attorney is a charter member of the Computer and Technology Crime High Tech Response Team (CATCH), the local multi-jurisdictional task force formed to prosecute computer crime.
- In 2001, the City Attorney's Office, in partnership with City Access Television and the San Diego Police Department, produced a documentary on illegal street racing in San Diego. Entitled "Beyond the Limit: Curbing Street Racing in San Diego," the program explores who is involved in illegal street racing, who is affected, and what positive community solutions are being developed to stop this dangerous and illegal activity.
- In October 2001, City Attorney Casey Gwinn and Police Chief David Bejarano joined with City Access Television to produce "Mending Hearts, Mending Lives." The show, produced in recognition of Domestic Violence Awareness Month, featured segments about how to stop violence in the home and at work, a "Men's Forum," and information about the anti-violence campaign, "Hands and Words are Not for Hurting." It aired throughout the month on Channel 17.
- In 2001, the City Attorney's Office continued to be involved in volunteer activities to improve San Diego's neighborhoods and benefit residents. In March, the City Attorney's Office hosted a school-to-career job shadow with approximately 30 students from Gompers High School who are interested in careers in law. The students were part of the School-to-Career Program of the San Diego Unified School District. In July, more than 20 attorneys and staff from the City Attorney's Criminal Division volunteered at Stand Down, an annual weekend event sponsored by the Vietnam Veterans of San Diego. The City Attorney's Office worked to help clear the misdemeanor warrants of homeless veterans. In September, City Attorney staff took part in the Graffiti Clean-Up Day, sponsored by the Downtown San Diego Partnership.

Future Outlook

In October 2001, City Attorney Casey Gwinn, in partnership with Police Chief David Bejarano, unveiled an innovative proposal to create the Family Justice Center. This one-of-a-kind center will centralize the San Diego Police Department's and City Attorney's Domestic Violence units under one roof. The center will house police detectives, prosecutors, forensic medical personnel, social workers, and victim advocates to meet the needs of domestic violence victims and their children. The goal is to bring San Diego's resources to the victim as opposed to the victim having to seek help throughout the City and County. The proposed center will be located downtown at 707 Broadway. Under the second phase of the proposal, a permanent center will be built to expand services to include child abuse, elder abuse, and sexual assault cases.

In October 2001, two additional neighborhood prosecutors were added to the City Attorney's Neighborhood Prosecution Unit to work in partnership with the

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San Diego Police Department and the community to aggressively and creatively combat crimes that impact quality of life. Five Deputy City Attorneys are now working in San Diego neighborhoods, attending community meetings to listen to the concerns of community members, and developing and implementing innovative strategies to reduce and prevent quality-of-life crimes, including drug activity, prostitution, and transient crimes.

In October 2001, California Governor Gray Davis signed into law a bill that expands the power of California courts to provide relief to communities for the blight caused by substandard buildings. The Assembly bill was passed, in large part, due to the efforts of the Code Enforcement Unit working with the Neighborhood Code Compliance Department. The new law streamlines the code enforcement process for rehabilitating substandard vacant single family dwellings and gives courts the ability to appoint a non-profit organization as the receiver for substandard buildings.

In October 2001, City Councilmember Brian Maienschein and City Attorney Casey Gwinn unveiled an innovative juvenile diversion program designed to allow first-time, non-violent juvenile offenders to participate in a binding sentencing hearing that is administered by a jury of their peers. Under the new Teen Court program, juvenile offenders, referred by the San Diego Police Department, accept responsibility for the crimes they have committed and agree to abide by the sanctions imposed by a jury of high school students. These sanctions include counseling, community service, letters of apology to victims and parents, research assignments, and tours of correctional facilities. The sentences imposed by the teen juries are binding and officially recognized by the Juvenile Division of the San Diego Superior Court.

The City Attorney's Leadership Team has identified the following as long-range goals:

- Work to enhance automation of the Criminal Division to include a document management system and to better link the City Attorney's Office with the San Diego Police Department and with the San Diego Superior Court.
- Expand the City Attorney's Neighborhood Prosecution Initiative by pursuing misdemeanor diversion programs, identifying additional liaison deputies for every community in San Diego, aggressively pursuing grant funding, and implementing the community court.
- Implement the Family Justice Center that will unite San Diego Police Department and City Attorney personnel in one location with victim support services, including social workers, medical professionals, children advocates, and other resources needed to address child abuse and domestic violence cases.

Staffing and Expenditure History

City Attorney Expenditures

	FY 2000 Actual	FY 2001 Actual	FY 2002 Budget
Civil Division	\$ 10,283,057	\$ 11,533,720	\$ 11,870,752
Criminal Division	\$ 9,636,908	\$ 10,786,373	\$ 12,112,939
Department Administration	\$ 1,029,683	\$ 1,005,318	\$ 1,166,105
Information Systems Unit	\$ 1,222,447	\$ 1,357,572	\$ 1,527,957
TOTAL	\$ 22,172,095	\$ 24,682,983	\$ 26,677,753
Percent Change from Prior Year		11.32%	8.08%

City Attorney Positions/FTE

	FY 2000 Actual	FY 2001 Actual	FY 2002 Budget
Civil Division	111.84	115.55	136.57
Criminal Division	154.25	156.25	159.30
Department Administration	12.00	12.00	12.45
Information Systems Unit	5.00	5.00	5.00
TOTAL	283.09	288.80	313.32
Percent Change from Prior Year		2.02%	8.49%

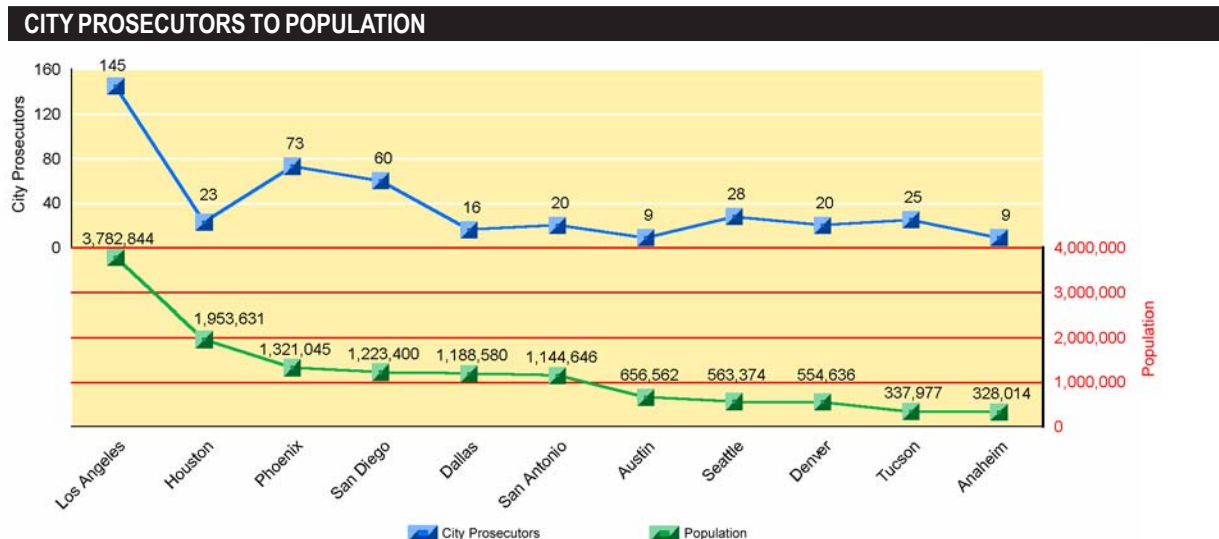
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Performance Measures

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	FY 2000 Actual	FY 2001 Actual	FY 2002 Budget
Number of civil cases	320	259	340
Ratio of City Attorney services cost to private attorney services cost	\$.45/\$1.00	\$.39/\$1.00	\$.41/\$1.00
Number of criminal cases tracked	37,762	36,814	40,000
Number of criminal cases issued	34,726	33,218	37,000
Percent of criminal cases resulting in a conviction or favorable disposition	98%	98%	85%
Average cost per criminal case tracked	\$157	\$198	\$186
Number of domestic violence cases submitted for prosecution	3,664	3,449	3,500
Number of consumer or environmental protection violation allegations received by telephone	5,450	2,899	3,000
Percentage of code violation cases referred resolved through office hearing, demand letters, or mediation	25%	23%	25%
Number of Information Systems devices supported	814	903	930

Comparison to Other Jurisdictions



*Portland and San Jose City Attorneys do not handle criminal cases.

Resident Satisfaction

Thirty-four percent of San Diego residents indicate they are familiar with the City Attorney's effort to reduce domestic violence — down from 38 percent in 2000. Eighty-seven percent of these residents indicate they are either very (53 percent) or somewhat satisfied (34 percent) with the City Attorney's effort to reduce domestic violence, which represents an improvement from the 80 percent satisfied reading recorded in 2000.

	2001 RESIDENT SATISFACTION				
	Yes	No			
Are you familiar with the San Diego City Attorney's effort to reduce domestic violence?	34%	66%			
Among those familiar:	Satisfied		Dissatisfied		Not Sure
	Very	Somewhat	Somewhat	Very	
How satisfied are you with the effort the City Attorney's Office is making to provide victim advocacy, prosecute domestic violence offenders, and reduce domestic violence homicides?	53%	34%	4%	2%	7%

